**Purchasing and Liability Guidelines during COVID-19 FAQ**

**PLEASE NOTE:** Prior to making any purchases of personal protective equipment or hand sanitizers for your school, you must check with your principal and/or your school district. It is the responsibility of the school district to have these items in place at your local school sites.

1. **Is there any concern regarding liability about PTA’s selling spirit wear face masks?**

No, selling spirit wear face masks holds no greater liability that selling any other product for a PTA; however, you should proceed with caution. Before any PTA decides to sell face masks, they must confer with the principal of the school site. There may be individual guidelines that County School Superintendents, as well as health departments, have put in place and you want to make sure that whatever you are ordering meets those requirements.

1. **If we sell masks, should we have a disclaimer? Something along the lines of “This mask is not to be used as a substitute for a surgical mask, an N-95 respirator, or a replacement for medical grade Personal Protection Equipment. The use of a face mask is intended to supplement but not replace recommended measures to stop the community spread of communicable diseases, such as COVID-19.”?**

Yes, this would be a good warning and disclaimer to use when selling a product such as face masks. It is good to remind people that you are not selling medical-grade face masks.

1. **Does the insurance company have a concern regarding PTAs purchasing quantities of masks for use at a school?**

Purchasing items like masks, whether for sale or as a donation to the school, is not prohibited by PTA insurance. Just be sure to coordinate with school leadership before making any purchase of masks or other personal protective equipment.

1. **Does the same apply to hand sanitizer? We want to purchase large quantities of hand sanitizer for the school and want to make sure it is ok with the insurance company.**

As with face masks, you need to check with your principal and school district to make sure that whatever item you are purchasing meets all the safety requirements at the school, and that the school actually needs the items you want to purchase.

1. **If we meet in person, will our insurance cover us if someone gets sick from COVID-19?**

It is recommended that PTAs only hold events where social distancing can be observed and face masks are required. **We must comply with all local, county and state health department guidelines.** There is a chance the PTA could be held liable if someone contracts COVID-19 at an event that is sponsored by the PTA. Similar to other insurance claims, coverage depends on whether proper PTA guidelines were followed as set out in our Insurance Guide, and if all public health laws and mandates were followed.

1. **If we have a restaurant night fundraiser and someone gets sick, are we covered by our insurance?**

As with all PTA events, insurance coverage depends on whether all proper PTA guidelines as set out in our Insurance Guide and all public health laws and mandates are followed, and proof can be provided to the insurance company. Proper proof would include minutes of the meeting where the event was approved, any flyers, social media posts, etc. that advertised the event, and evidence that all local, county, and state public health guidelines were followed.

1. **What role can a** **PTA play in Learning Pods that are being introduced in many of our school districts?**

If your school is utilizing Learning Pods and the PTA wants to participate, the PTA must follow all the guidelines for approving an event that we sponsor.

* Get approval to host this event from the General Association at a meeting
* Get an insurance waiver from all families that are participating in the Learning Pod

The school should be primarily responsible for the Learning Pod and, if asked to participate, the PTA’s role should be limited. Due to privacy concerns, the PTA should not provide student information if requested by the school (the school should already have such information). If the PTA is asked by the school to assist with Learning Pods, the PTA should ask to be indemnified and to be named (along with its officers, directors, volunteers, etc.) as additional insureds under the school’s insurance policy, and the school’s insurance policy should provide primary coverage regardless of the insurance maintained by the PTA. PTAs assisting schools with Learning Pods must familiarize themselves with all local, county, and state public health guidelines for Learning Pods, and should make sure that those guidelines are being followed by the school.

**Helpful Links and Resources**

* Link to California Department of Public Health:

<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Immunization/nCoV2019.aspx>

* Link to Blueprint for a Safer Economy:

<https://covid19.ca.gov/safer-economy/>

* CAPTA/AIM Insurance Information:

<https://capta.org/pta-leaders/services/insurance/>

* CAPTA COVID-19 Resources:

<https://capta.org/news-publications/covid-19/>